

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-14 are pending. Claims 1 and 9 have been amended in response to the Examiner's rejections. Claim 12 has been amended to correct a typographical error in the originally filed claim.

Allowable Subject Matter

The Examiner has acknowledged that claim 14 is allowable. Additionally, the Examiner has acknowledged that claims 5-8 and 13 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Applicant appreciates the indication of allowability.

35 U.S.C. §103(a) Claim Rejections

Claims 1, 2, 9, and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent Application No. 1041523A2 to Baird ("Baird") in view of International Publication No. W/01/75826 to Maguire. With respect to the amended claims, applicant respectfully traverses this rejection.

In order to establish a *prima facie* case of obviousness of a claimed invention, all limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974), MPEP §2143.03

Independent claims 1, as amended, recites the following limitation:

a memory for storing an authorized fingerprint on the device;...

Independent claim 9, as amended, recites the following limitation:

comparing the read fingerprint with a fingerprint of the authorized user stored on the device...

Each of these claims include a fingerprint stored on the device. Neither Baird nor Maguire teaches or suggests such a feature. Baird teaches a method wherein a biometric sensing unit resides in a *remotely located* user identifying unit under the control of a trusted third party (See

Baird, col. 5, lines 16-18). Nothing in Baird teaches or suggests or that the biometric information for matching the obtained image (i.e., the biometric information database (31) located in a remotely located user identifying unit (30) as shown in the sole figure of Baird) could be incorporated into the device carried by the user, as recited in claims 1 and 9 of the present application. Baird specifically teaches that the biometric information is remotely located so that it can be under the control of trusted third party.

Maguire was cited by the Examiner for the solely to teach generating a pseudo-random PIN (see Office Action, page 3, line 6-7). Maguire does not teach or suggest the use of a memory for storing an authorized fingerprint on the device. In fact, Maguire does not teach the use of fingerprints in any manner.

Because neither Baird nor Maguire teaches or suggests storing an authorized fingerprint on the device, Applicant respectfully submits that the rejection of claims 1 and 9, as amended, under 35 U.S.C. §103(a) should be withdrawn.

All remaining pending rejected claims depend from either claim 1 or claim 9, and thus are allowable for at least the same reasons as set forth with respect to claims 1 and 9.

CONCLUSION

In view of the foregoing amendments and remarks, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the pending claims. If any issues remain that preclude issuance of this application, the Examiner is urged to contact the undersigned attorney.

Respectfully submitted,

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